HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.23893 of 2006

Dated:04.04.2007

Between:

K.Laxmana Chary

…Petitioner

And:

The Regional Manager
APSRTC, Karimnagar
and two others.

…Respondents

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HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.23893 of 2006

ORDER:

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The petitioner is working as a Conductor in APSRTC. He was issued a charge sheet, dated 10.07.1991, on certain cash and ticket irregularities, and that he was required to submit the explanation, as to why necessary disciplinary action shall not be taken against him, for which he submitted an explanation on 31.07.1991. Thereafter, an enquiry was conducted against the petitioner for the charges levelled against him. On the basis of the report submitted by the enquiry officer, the third respondent, without issuing show cause notice,

directly issued the impugned final order-cum-show cause notice, dated 26.09.1991. In this, the punishment of stoppage of annual increment, for a period of two years, with cumulative effect, was straight away imposed. Aggrieved by the same, the petitioner preferred an appeal before the appellate authority, which was rejected. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that third respondent, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a period of two years with cumulative effect and calling upon the petitioner to show cause as to why the suspension period should not be treated as not on duty. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

The issue raised in the present writ petition is

squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, up to the date of this order, on account of the modification of the punishment.*
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> *The writ petition is accordingly disposed of. There shall be no order as to costs."*

Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 26.09.1991, passed by third respondent, imposing punishment of stoppage of annual increment for a period of two years with cumulative effect, is modified to that of stoppage of annual increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this

order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA, J

04.04.2007
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